

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1752.01
COMPLAINT INVESTIGATOR: Sandie Scudder
DATE OF COMPLAINT: May 14, 2001
DATE OF REPORT: June 13, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: August 30, 2001

COMPLAINT ISSUES:

Whether the East Allen County Schools violated:

-511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written.

FINDINGS OF FACT:

1. The Student is 18 years old, is in the 11th grade, and is eligible for special education and related services as a student with multiple disabilities and a communication disorder.
2. The Student's IEP, dated August 14, 2000, states that the Student:
 - a. will participate in general education settings for 80% of the instructional day;
 - b. will have "staff support" full time during the instructional day;
 - c. will participate in daily weight-training class; and
 - d. will have access to paraprofessional support.
3. The Student's time in general education was shortened on at least seven occasions during the 2000-2001 school year due to the absence of paraprofessional staff.
4. The Student's daily class schedule indicates that on April 10 and 30, 2001, the Student did not get the full class time for weight training due to the lack of paraprofessional staff. On April 20, 2001, the weight-training class was not provided. On May 9, 2001, the lack of staff prevented the Student from participating in weight-training class.
5. The Student fell at school on May 9, 2001, and the Complainant asserts that this fall was due to a lack of staff support. The staff notes on the Student's daily class schedule for May 9, 2001, indicate that because three adults were absent from the classroom, "[The student] went outside with the adapted PE class and walked the track-she fell right at the end". The *Student Accident Report* states that the Student was with a paraprofessional who was less than one foot away from the Student.

CONCLUSION:

Findings of Fact #1 through #5 indicate that the Student's IEP provided that the Student would

spend 80% of the instructional day in the general education setting, would have full-time support staff during the instructional day, would participate in a daily weight-training class, and would have access to paraprofessional support. On a number of occasions during the 2000-2001 school year, the Student did not receive 80% of the instructional day in the general education setting and was unable to participate in the weight-training class due to the absence of paraprofessional staff. Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to participation in the general education setting and in daily weight-training classes. No violation is found with respect to the incident on May 9, 2001.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The East Allen County Schools shall convene a CCC meeting to consider the need for compensatory services due to the interruption in services experienced as a result of the absence of staff. A copy of the CCC Report/IEP, detailing the CCC's consideration of the need for compensatory services shall be submitted to the Division no later than September 16, 2001.

DATE REPORT COMPLETED: June 13, 2001